

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

BANK BRUSSELS LAMBERT,)	CIV. ACTION NO. 98-1698(JP)
Plaintiff,)	
v.)	<u>ORDER</u>
FIDDLER, GONZALEZ &, RODRIGUEZ, et al.,)	
Defendants.)	JUDGE JAMES H. MICHAEL, JR.

*RECEIVED & FILED
ON 10/19/01
jm*

Before the court is the August 24, 2001 "Informative Motion Concerning Judgment Entered in Proceedings Pending in the Southern District of New York" from defendant Fiddler, Gonzalez & Rodriguez. In that motion, the defendant requested that the court take notice and receive a copy of the Memorandum and Order of August 6, 2001 of the United States District Court for the Southern District of New York, and that this court proceed with consideration of the pending motions for summary judgment. On September 7, 2001, the plaintiff, BBL, filed a response in which it sought that the court take notice and receive a copy of its Notice of Appeal filed with the United States District Court for the Southern District of New York, and that this court withhold consideration of the pending summary judgment motions until BBL's appeal is resolved in the Second Circuit Court of Appeals.

The court acknowledges that it has received both Judge McKenna's August 6, 2001 opinion and BBL's notice of appeal. As for the defendant's request that the court take up the pending summary judgment motions at this time, the court refers to its May 19, 1999 Order in which it stated that no further action in this case would be taken "until the question of jurisdiction has been definitively answered in the Southern District of New York." See Order of

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Michael, Jr., J. dated May 19, 1999, at 1. BBL's notice of appeal is an indication to this court that a definitive answer has yet to be reached on the question of jurisdiction in the Second Circuit. Accordingly, the court considers it premature to consider the pending motions for summary judgment. For this reason, it is

ADJUDGED, ORDERED AND DECREED

that the defendant's motion as it pertains to consideration of the motions for summary judgment, shall be, and it hereby is, DENIED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and to Judge McKenna.

ENTERED:

Das. K. Kufner, Jr.
Senior United States District Judge

17 October 2001
Date